

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 38

# **HOUSE BILL 2351**

AN ACT

AMENDING SECTION 13-1806, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-1806, Arizona Revised Statutes, is amended to  
3 read:  
4 13-1806. Unlawful failure to return rented or leased property:  
5 notice; classification  
6 A. A person commits unlawful failure to return rented property if,  
7 without notice to and permission of the lessor of the property, the person  
8 knowingly fails without good cause to return the property within seventy-two  
9 hours after the time provided for return in the rental agreement.  
10 B. If the property is not leased on a periodic tenancy basis, the  
11 person who rents out the property shall include the following information,  
12 clearly written as part of the terms of the rental agreement:  
13 1. The date and time the property is required to be returned.  
14 2. The maximum penalties if the property is not returned within  
15 seventy-two hours of the date and time listed in paragraph 1.  
16 C. If the property is leased on a periodic tenancy basis without a  
17 fixed expiration or return date the lessor shall include within the lease  
18 clear written notice that the lessee is required to return the property  
19 within seventy-two hours from the date and time of the failure to pay any  
20 periodic lease payment required by the lease.  
21 D. It is a defense to prosecution under this section that the  
22 defendant was physically incapacitated and unable to request or obtain  
23 permission of the lessor to retain the property or that the property itself  
24 was in such a condition, through no fault of the defendant, that it could not  
25 be returned to the lessor within such time.  
26 E. UNLAWFUL FAILURE TO RETURN RENTED OR LEASED PROPERTY IF THE  
27 PROPERTY IS A MOTOR VEHICLE IS A CLASS 5 FELONY. IN ALL OTHER CASES,  
28 unlawful failure to return rented or leased property is a class 1  
29 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 7, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2011.

Passed the House February 14, 20 11

by the following vote: 58 Ayes,

2 Nays, 0 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate April 5, 20 11

by the following vote: 18 Ayes,

0 Nays, 2 Not Voting

[Signature]  
President of the Senate

Charmian Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

6 day of April, 20 11

at 10:30 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 7<sup>th</sup> day of

April

at 10:12 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7<sup>th</sup> day of April, 20 11

at 3:28 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2351